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SUBJECT: FICO GETS HIS PRESS LAW AND LISBON TREATY TOO

**¶1.** (SBU) Summary. The Slovak Parliament passed the ruling coalition's media law bill April 9; the bill will now be submitted to President Gasparovic for signing. The controversial "right to reply" remains largely unchanged despite indications over the past week from the coalition and the opposition SMK party that the final bill draft would be amended to meet European standards. On the following morning, SMK Chairman Pal Csaky announced that his party would break ranks with the opposition and vote for the Lisbon Treaty, to which the opposition had linked changes in the press law, despite securing no concessions on the media law and eventually voting against it. Csaky acknowledged rumors that the coalition had promised SMK that it would significantly change elements of its upcoming education bill relating to Hungarian-language instruction. Parliament subsequently ratified the EU Lisbon Treaty on April 10, by a vote of 103-6. SMK voted with the coalition while most SDKU and KDH members abstained. SMK's negotiations on the press bill and Lisbon not only threaten to destroy opposition unity but also hint at a possible realignment in Slovak politics if Smer and SMK continue cooperating on other issues. End Summary.

The Law

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**¶2.** (SBU) The media law, approved by parliament along coalition lines, contains no substantive changes to the revised draft submitted by MP Jan Podmanicky (Smer) in early March. While the earlier Podmanicky modifications eliminated harmful provisions that made the Ministry of Culture the arbiter of press violations, the final bill hews closely to the original "right to reply" language proposed by Prime Minister Robert Fico. According to Article 8, paragraph 1, publishers will be required to print responses to any "statement of fact that impinges on the honor, dignity, or privacy of a natural person, or the name of good reputation of a legal entity." The responses will have to be printed on the same page and space as the original articles, and must be printed regardless of whether the original statement was factually correct. Journalists and publishers believe the law will place them in a position where they are forced to print official responses by government officials and others on a near-daily basis, with no chance for counter-response. In a possible sign of things to come, Fico has penned several "open letters" to newspapers over the past two weeks, criticizing journalists for their coverage of the recent visit by the Russian Prime Minister, his meeting with Gerhard Schroeder, and other matters. One of these letters pointed out specific individuals for criticism.

SMK Sells Out

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¶3. (SBU) Until shortly before the vote, many believed it would be possible for the opposition to leverage Fico to modify "right to reply" provisions in exchange for promises to support the EU Lisbon Treaty, which requires a 60 percent majority (90 votes) in parliament. Yet from the time the press law/Lisbon Treaty connection emerged in January, Fico recognized that, among the opposition parties, the Lisbon Treaty meant the most to SMK while the press law meant the least. In early February, Fico apparently offered Csaky a deal in which he agreed to substantially modify Hungarian-sensitive sections in the upcoming education bill, plus make limited changes to the press law, on the condition that Csaky could induce SDKU to vote for the press law. SDKU Chairman Dzurinda didn't budge, and Fico eventually decided in mid-March to make unilateral concessions on removing the role of the Ministry of Culture to impose speech fines, which was never a Smer priority. The Smer offer to SMK regarding the education bill stayed on the table.

¶4. (SBU) Over the past week, SMK maintained that it was negotiating with Smer on the press bill but it appears clear from our conversations with various SMK leaders that they decided several days before the final vote to accept Smer's offer on the education bill (and perhaps other matters) in exchange for the Lisbon vote. SMK MP and Human Rights Committee Chairman Laszlo Nagy assured Poloff on April 7 that he believed the coalition had committed to make changes which would allow SMK to vote for the Lisbon Treaty. Early April 9, as it became clearer that no further changes on the "right to reply" were likely to be forthcoming, SMK MP Zsolt Simon told Poloff that, "As I understand it, right to reply wasn't really one of the main issues for publishers or for the

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OSCE." He added that, "the Slovak constitution protects the honor and dignity of the individual, so we have to respect that" in the press law. (Comment: Simon's effort to portray the bill in a more positive light was a strong indication of SMK's impending break with the rest of the opposition. That move was all but confirmed by Pal Csaky's appearance on Slovak television that evening, when he indicated that the law had improved somewhat and that his party had not yet decided its stance on the Lisbon Treaty. End comment.) There is no evidence of any acrimonious debate within SMK on the course it chose to follow.

Opposition Crushed

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¶5. (SBU) SDKU and KDH reacted angrily to SMK's decision to jump ship on the Lisbon Treaty, suggesting strongly that it marked the end of a unified opposition. KDH Chairman Pavol Hrusovsky said, "SMK has broken its promise. I don't know how to cooperate further with a party that has openly supported the opposition." Hrusovsky added that there are now two opposition parties in parliament - KDH and SDKU. SDKU Chairman Dzurinda was somewhat less emotional in his language, perhaps in part to preserve SMK support for its presidential candidate, Iveta Radicova. Dzurinda bemoaned that the opposition could have forced the governing coalition to make more changes if it had stayed united. He also accused Csaky of personally lying to him, saying "We are in old Meciar times here....the new anti-democratic steamroller is here." It is difficult to imagine how the three parties will be able to work together constructively in the near future.

New Partners?

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¶6. (SBU) In addition to effectively destroying opposition

unity by countering Dzurinda's press bill-Lisbon Treaty gambit with his education bill-Lisbon Treaty strategy, Fico has also set up the possibility of future cooperation between Smer and SMK. By negotiating directly with SMK on the press bill, education bill, and several other matters, Fico has been able to sideline coalition partner SNS while alleviating some of its tensions with HZDS. Some prominent figures within Smer have told us that they are more comfortable working with SMK than with SNS or HZDS. With Smer voter preferences over 40 percent, a future Smer-SMK governing coalition no longer seems beyond the realm of possibility. It is questionable how far this relationship could develop, however, since a portion of Smer's leadership and voter base is highly nationalistic in character and would object to strong partnership with the ethnic Hungarian party.

OBSITNIK